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5 IN THE UNITED STATES DISTRICT COURT  
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 NETWORK APPLIANCE INC,  
9 Plaintiff,  
10 v.  
11 SUN MICROSYSTEMS INC,  
12 Defendant.

No. C-07-06053 EDL

**ORDER DENYING SUN'S  
APPLICATION TO SHORTEN TIME**

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14 On July 8, 2008, Sun Microsystems, Inc. filed a motion to compel production of documents  
15 from non-party Orrick, Herrington & Sutcliffe and filed an application to shorten time on that  
16 motion, arguing that it would be prejudiced by a delay in Orrick's production of documents.  
17 However, in its opposition to the application to shorten time, Orrick notes that it produced the  
18 subpoenaed documents with the understanding that the Court would rule on the costs issue when it  
19 decides the motion to compel, as the parties dispute who should pay the costs of Orrick's document  
20 production. Based on the understanding that the relevant documents have now been produced, the  
21 Court DENIES Sun's application to shorten time. The Court will address the costs issue and the  
22 other outstanding issues in the motion to compel, which shall take place on a regular schedule on  
23 August 12, 2008 at 9:30 a.m. in Courtroom E. The parties shall further meet and confer about those  
24 issues in advance of the hearing.

25 **IT IS SO ORDERED.**

26 Dated: July 17, 2008

*Elizabeth D. Laporte*

27  
28 ELIZABETH D. LAPORTE  
United States Magistrate Judge